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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,365	12/29/2000	Lee Weinstein		8453

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LEE WEINSTEIN
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ARLINGTON, MA 02474

EXAMINER

TAYLOR, BARRY W

ART UNIT PAPER NUMBER

2643

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,365

Applicant(s)

WEINSTEIN ET AL.

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7-11, 13, 15, 22, 23, 25, 27, 29-38, 40-44, 46-51, 53, 54, 59-61, 63, 66-68 and 71-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1,7-11,13,15,22,23,25,27,29-38,40-44,46-51,53,54,59-61,63,66-68 and 71-76.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner has preformed a text search of Applicant's specification and cannot find support for the newly added terms of "allowed callers from whom customers are willing to receive calls".
2. Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner has preformed a text search of Applicant's specification and cannot find support for the newly added terms of "timing telephone connection time".

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3. Claim 51 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner has preformed a text search of Applicant's specification and cannot find support for the newly added terms of "specifying a call-initiating party". The Examiner has preformed a text search of Applicant's specification and cannot find support for the newly added terms of "specifying a call-receiving party". The Examiner has preformed a text search of Applicant's specification and cannot find support for the newly added terms of "verify that call time is within". The Examiner has preformed a text search of Applicant's specification and cannot find support for the newly added terms of "checking with a database to verify that said call-initiating party is specified as an allowed caller by said call-receiving party". The Examiner performed text search of "allowed caller" and no results were found.

4. Claim 76 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner is unable to determine from the originally filed specification as to how one of ordinary skill in the art would be able to make and use the invention. The

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specification provides no basis for the claimed subject matter. Specifically, as by way of example, claim 76 generally recites providing list of service providers for user selection. The system then places user in queue. Next, a bid is received and compared with other bids and if bid is higher then user placed higher in queue. The Examiner is unable to find any support in Applicant's specification that enables user to select service provider let alone using queue.

Claim Objections

5. Claim 15 is objected to because of the following informalities: Claim 15 depends upon previously cancelled claim 5. Appropriate correction is required.

Claim 67 is objected to because of the following informalities: It is unclear to the Examiner as to whether Applicant's intend to include claim 68 into currently amended claim 67 or Applicant's forgot to press the carriage return key to separate claim 67 from claim 68. Appropriate correction is required.

Claim 71 is objected to because of the following informalities: It is unclear to the Examiner as to whether Applicant's intend to include claim 72 into currently amended claim 71 or Applicant's forgot to press the carriage return key to separate claim 71 from claim 72. Appropriate correction is required.

Claim 76 is objected to because of the following informalities: Claim 76 was previously cancelled (see paper number 6, Amendment "A", dated 6/27/2003, page63).

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It appears newly added claim 76 should read as newly added claim 77. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 76 (should read as claim 77 see 112 rejection listed above) is rejected under 35 U.S.C. 102(e) as being anticipated by Faber et al (6,519,570 hereinafter Faber). The following rejection is being made for what is best understood by the Examiner due to numerous 112 rejections listed above.

Regarding claim 76. Faber teaches a system for establishing a real-time communications connection between a user and a selected information service provider for a live, real-time conversation, the system comprising (col. 8 lines 40-44):

a communication interface (col. 8 line 45); and

a controller ... (col. 8 line 46-47) having:

a first logic ... (col. 8 lines 48-50);

a second logic ... (col. 8 lines 51-58);

a third logic ... (col. 8 lines 59-60);

a forth logic ... (col. 8 lines 6167);
a fifth logic ... (col. 9 lines 1-4);
a sixth logic ... (col. 9 lines 5-11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 7, 9-11, 13, 15, 22-23, 25, 27, 29-38, 40-44, 48, 51, 53-54, 59-61, 63, 66-68 and 71-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn et al (5,907,677 hereinafter Glenn) in view of DuVal (5,818,836) and Haste, III (6,665,389 hereinafter Haste) further in view of Cho (5,937,039).

Regarding claims 1, 22, 25, 29-38, 40-44, 51, 67-68, 71-73 and 75. Glenn teaches a method for establishing anonymous communication links for Internet users who are communicating over a Chat server, as well as other on-line services (col. 2 line 65 – col. 3 line 30). Glenn teaches subscribers access Chat page to obtain telephone number to establish anonymous voice connection without exchanging telephone numbers (col. 3 lines 62-66).

According to Applicant's, Glenn does not teach the use of the website to initiate calls (see paper number 6, Amendment "A", dated 6/27/03, page 2 lines 4-7).

DuVal teaches method and apparatus for anonymous voice communication using an online data service (abstract). DuVal modifies the Chat page (figure 4) to include window (see pull down window 74 figure 4) or icons (see icons 108 and 86 figure 4) to be selected by subscribers for anonymous voice call. DuVal discloses although two parties are shown in figures, it is to be understood that numerous parties may be connected to the system (col. 5 lines 13-16). DuVal discloses the system may call the parties or one of the parties may call the system to set up the anonymous voice communication (col. 9 line 66 – col. 10 line 8, col. 11 lines 9-22). DuVal discloses that 800, 900, or local number may be used for a carrier or non-carrier based service (col. 12 lines 3-13). DuVal discloses the parties must agree, without revealing their identity, upon a time to call (col. 11 line 55 – col. 12 line 13). DuVal discloses billing functions including using credit cards and checking account (col. 13 line 62 – col. 14 line 11). DuVal discloses using greetings which allow the receiving party to accept or reject the call (col. 16 lines 1-16) as well as offering other party pays option (col. 16 line 16-65). DuVal discloses that either party can initiate an anonymous voice connection (col. 16 line 65). DuVal discloses parties currently involved with public or private chat can simply click on icon (see 86 or 108 figure 4) or select menu (see 76 figure 4) for anonymous voice connection. DuVal discloses the possibility for scheduling an anonymous voice call (col. 19 lines 11-41). DuVal discloses a distribution implementation to establish anonymous voice connection for parties located in different

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cities (col. 19 line 52 – col. 20 line 40) wherein the closest node is selected to connect the requesting party to a remote party (col. 20 lines 55-65).

According to Applicant's, Glenn fails to use database comprising times when customers have specified they are willing to receive calls (see paper number 6, Amendment "A", dated 6/27/03, page 1, the prior art uncovered by Examiner section).

Haste improves on prior art by allowing subscribers to select a series of times he or she wants associated to telephone numbers (col. 1 lines 63-65). In other words, Haste allows for multiple telephone numbers to be listed with specified times of day during which the subscriber can be reached at those numbers (col. 2 lines 63-67, col. 3 lines 6-34). Haste also allows profile to be set up by users that only allows certain "callers" meeting user selected profile (see figure 1B "Allow contact from members who fit my profile only:").

Applicant's further amend and argue that Glen in view of Haste fail to teach communicating the dialing limitations back to the caller (see paper number 8, Amendment "B", dated 6/17/2004, page 1 last paragraph).

Cho allows subscribers to choose in advance an absent message representing his absent reason which is then transmitted to the caller's who are attempting to call the subscriber (abstract, col. 1 lines 19-22, col. 3 lines 48-51, col. 4 lines 63-65, col. 5 lines 46-51, col. 7 lines 40-47). Cho is very clear in that the present invention has the advantage that the caller can be advised of the absent reason of the called-up party and the proper time for calling up again (col. 9 lines 14-17).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the on-line Chat page as taught Glenn in view of DuVal and Haste to incorporate absent message as taught by Cho for the benefit of expanding user profiles to incorporate an absent reason and proper time to call thereby enabling the caller to know when to call back and the reason the called party is not taking telephony calls.

Regarding newly amended claim 7. Glenn fails to teach allowed time criteria are separately definable for different allowed callers.

Haste further shows user selectable profiles include: "Hide your profile form this member and disallow further contact:", "Allow Phone Calls from this member:", "Keep my ad hidden from the following email addresses or members:", "Keep my ad hidden from everyone BUT the following email addresses or members:" (see figure 1B).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the on-line Chat page as taught by Glenn in view of Duval to first establish user profiles as taught by Haste for the benefit of establishing and selecting what profiles to be employed during anonymous communication.

Regarding claims 9-11, 27 and 59-61. Glenn teaches defining group (col. 4 lines 6-7).

Regarding claims 13 and 63. According to Applicant's, Glenn does not teach the use of the website to initiate calls (see paper number 6, Amendment "A", dated 6/27/03, page 2 lines 4-7).

DuVal teaches method and apparatus for anonymous voice communication using an online data service (abstract). DuVal modifies the Chat page (figure 4) to include window (see pull down window 74 figure 4) or icons (see icons 108 and 86 figure 4) to be selected by subscribers for anonymous voice call. DuVal discloses although two parties are shown in figures, it is to be understood that numerous parties may be connected to the system (col. 5 lines 13-16). DuVal discloses the system may call the parties or one of the parties may call the system to set up the anonymous voice communication (col. 9 line 66 – col. 10 line 8, col. 11 lines 9-22). DuVal discloses that 800, 900, or local number may be used for a carrier or non-carrier based service (col. 12 lines 3-13). DuVal discloses the parties must agree, without revealing their identity, upon a time to call (col. 11 line 55 – col. 12 line 13). DuVal discloses billing functions including using credit cards and checking account (col. 13 line 62 – col. 14 line 11). DuVal discloses using greetings which allow the receiving party to accept or reject the call (col. 16 lines 1-16) as well as offering other party pays option (col. 16 line 16-65). DuVal discloses that either party can initiate an anonymous voice connection (col. 16 line 65). DuVal discloses parties currently involved with public or private chat can simply click on icon (see 86 or 108 figure 4) or select menu (see 76 figure 4) for anonymous voice connection. DuVal discloses the possibility for scheduling an

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anonymous voice call (col. 19 lines 11-41). DuVal discloses a distribution implementation to establish anonymous voice connection for parties located in different cities (col. 19 line 52 – col. 20 line 40) wherein the closest node is selected to connect the requesting party to a remote party (col. 20 lines 55-65).

Haste improves on prior art by allowing subscribers to select a series of times he or she wants associated to telephone numbers (col. 1 lines 63-65). In other words, Haste allows for multiple telephone numbers to be listed with specified times of day during which the subscriber can be reached at those numbers (col. 2 lines 63-67, col. 3 lines 6-34).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the on-line Chat page as taught Glenn in view of DuVal to store plurality of numbers with specified times as taught by Haste for the benefit of routing calls to work between the times of 8 a.m. and 6 p.m. and then route calls to cell phone form 6 p.m. to 7:30 p.m. and use home phone from 7:30 p.m. to midnight as taught by Haste.

Regarding claims 15 and 66. Glenn teaches billing for anonymous voice connection by using credit card, Cybercash, or other form (column 4). DuVal also teaches one party may pay the charges associated with the other party (column 16)

Regarding claims 23, 48, and 74. DuVal shows information relating to last contact (see figure 5 "COUPLE RECORD", and "MESSAGE RECORD").

Regarding claim 53. DuVal shows conferencing done external to a telephone company (see #14 figures 1-3).

Regarding claim 54. DuVal shows digital signal used (see #68 figures 1-3).

8. Claims 8, 46-47 and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn et al (5,907,677 hereinafter Glenn) in view of DuVal (5,818,836), Haste, III (6,665,389 hereinafter Haste) and Cho (5,937,039) further in view of Lauffer (6,549,889).

Regarding claim 8. Glenn in view of DuVal, Haste and Cho fail to show using allowed contact time.

Lauffer teaches facilitating and delivery of advice to consumers using a server for rapidly assisting in connecting an expert and consumer for real-time communications (abstract). Lauffer server has ability to respond to a consumer's selection of expert by sending the consumer conveyance through means to contact experts that include but are not limited to telephone, Internet telephony, email, audio, and/or video (column 6). Lauffer using time-to-connect and expert compensation rate, time availability, etc (col. 5 lines 1-2, lines 15-16, lines 40-67, col. 6 lines 56-67). Lauffer even discloses that in another embodiment, a special symbol/notation is displayed next to or as part of an experts symbol if he has been certified by selected companies or organizations wherein the symbol/notation can optionally expire, disappear, or change its characteristics (color, etc) after a certain length of time so that the expert is forced to take tests to

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maintain certification (column 7). Lauffer even discloses displaying plurality of experts with varying compensation rates (column 7).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Glenn in view of DuVal, Haste and Cho to modify web page to include expert advice as taught by Lauffer for the benefit of providing subscribers with a list of experts, the time availability of the expert, and the compensation rate for consumer advice with expert as taught by Lauffer.

Regarding claims 46-47 and 49-50. Glenn in view of DuVal, Haste and Cho fail to show charging for professional service.

DuVal teaches method and apparatus for anonymous voice communication using an online data service (abstract). DuVal modifies the Chat page (figure 4) to include window (see pull down window 74 figure 4) or icons (see icons 108 and 86 figure 4) to be selected by subscribers for anonymous voice call. DuVal discloses although two parties are shown in figures, it is to be understood that numerous parties may be connected to the system (col. 5 lines 13-16). DuVal discloses the system may call the parties or one of the parties may call the system to set up the anonymous voice communication (col. 9 line 66 – col. 10 line 8, col. 11 lines 9-22). DuVal discloses that 800, 900, or local number may be used for a carrier or non-carrier based service (col. 12 lines 3-13). DuVal discloses the parties must agree, without revealing their identity, upon a time to call (col. 11 line 55 – col. 12 line 13). DuVal discloses billing functions including using credit cards and checking account (col. 13 line 62 – col. 14 line 11).

DuVal discloses using greetings which allow the receiving party to accept or reject the call (col. 16 lines 1-16) as well as offering other party pays option (col. 16 line 16-65). DuVal discloses that either party can initiate an anonymous voice connection (col. 16 line 65). DuVal discloses parties currently involved with public or private chat can simply click on icon (see 86 or 108 figure 4) or select menu (see 76 figure 4) for anonymous voice connection. DuVal discloses the possibility for scheduling an anonymous voice call (col. 19 lines 11-41). DuVal discloses a distribution implementation to establish anonymous voice connection for parties located in different cities (col. 19 line 52 – col. 20 line 40) wherein the closest node is selected to connected the requesting party to a remote party (col. 20 lines 55-65).

Haste improves on prior art by allowing subscribers to select a series of times he or she wants associated to telephone numbers (col. 1 lines 63-65). In other words, Haste allows for multiple telephone numbers to be listed with specified times of day during which the subscriber can be reached at those numbers (col. 2 lines 63-67, col. 3 lines 6-34).

Lauffer teaches facilitating and delivery of advice to consumers using a server for rapidly assisting in connecting an expert and consumer for real-time communications (abstract). Lauffer server has ability to respond to a consumer's selection of expert by sending the consumer conveyance through means to contact experts that include but are not limited to telephone, Internet telephony, email, audio, and/or video (column 6). Lauffer using time-to-connect and expert compensation rate, time availability, etc (col. 5 lines 1-2, lines 15-16, lines 40-67, col. 6 lines 56-67). Lauffer even discloses that in

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another embodiment, a special symbol/notation is displayed next to or as part of an experts symbol if he has been certified by selected companies or organizations wherein the symbol/notation can optionally expire, disappear, or change its characteristics (color, etc) after a certain length of time so that the expert is forced to take tests to maintain certification (column 7). Lauffer even discloses displaying plurality of experts with varying compensation rates (column 7).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Glenn in view of DuVal, Haste and Cho to modify web page to include expert advice as taught by Lauffer for the benefit of providing subscribers with a list of experts, the time availability of the expert, and the compensation rate for consumer advice with expert as taught by Lauffer.

Response to Arguments

9. Applicant's arguments with respect to claims 1, 7-11, 13, 15, 22-23, 25, 27, 29-38, 40-44, 46-51, 53-54, 59-61, 63, 66-68, 71-75 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600